



Appl. No. 10/759,477

1 of 2

Docket No. LAH0003

Customer No. 27187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Dennis M. Laherty et al.
Filed : 01/16/2004
Title : CATHETERIZATION ASSIST DEVICE AND METHOD OF USE
Group/Art Unit : 3761
Examiner : Melanie Jo Hand

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicants thank the Examiner for the thorough search and analysis and Notice of Allowability dated May 8, 2006, in which the Examiner allowed all pending claims 1-26 without amendment. In addition, applicants concur with the Examiner's Reasons for Allowance that none of the prior art of record, alone or in combination with other references, teach or fairly suggest a device for use in assisting and inserting a catheter in a female comprising a pair of legs extending outwardly from the main body portion wherein a flange extends longitudinally along each of the legs, as set forth in claim 1. Applicants also concur that none of the prior art of record teach or suggest a catheter guide in the form of an opening located between said legs, as set forth in claims 10 and 17, or a method of inserting a catheter in a female comprising the steps of providing a device having a pair of flanges configured to spread the labia of the female, and inserting a catheter in an opening between said flanges, as set forth in claim 18.

Applicants further concur that the closest prior art of record identified by the Examiner: U.S. Patent Nos. 4,911,698 to Wapner and 6,461,340 to Lenker et al. do not teach or fairly suggest any of the claims. The Examiner also maintained that Wapner does not teach a method comprising the step of providing a device that is configured to accept a catheter through an opening between two legs having flanges, but applicants note that method claim 18 does not require that the flanges are attached

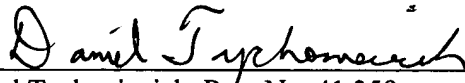
BDDDB01 4410962v1

to legs. Applicants do concur with the Examiner that Wapner does not teach any of the steps in claim 18.

Regarding Lenker et al., the Examiner asserts that this reference teaches a device having two legs with flange portions extending therefrom. Applicants disagree with this characterization of Lenker et al., as Lenker et al. merely discloses a device having a base 14 with edges 18 and a single longitudinal stiffening ridge 26. Accordingly, Lenker et al. does not teach or suggest a pair of legs, a slot located between the legs, or flanges extending longitudinally along each of the legs as set forth in claim 1. In addition, Lenker et al. does not teach or disclose a pair of flanges connected to a main body or a catheter guide or other opening located therebetween, as set forth in claims 10 and 17. Furthermore, Lenker et al. does not disclose any of the steps set forth in method claim 18.

Accordingly, applicants assert that they are entitled to the full scope of protection available for both literal infringement and infringement under the Doctrine of Equivalents for all claims.

Respectfully submitted,

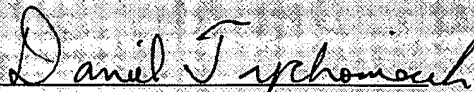


Daniel Tychonievich, Reg. No. 41,358
BAKER & DANIELS LLP
205 West Jefferson Boulevard, Suite 250
South Bend, IN 46601
Telephone: (574) 234-4149
Fax: (574) 239-1900

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 1, 2006

August 1, 2006

Date



Daniel Tychonievich, Reg. No. 41,358